IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5399 OF 2005

Shivaji Changdeo Dhane ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.R.V.More for the Applicant
Mr.R.Y.Mirza,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 29,2005

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The offence alleged against the Applicant is under Sections 3(1) (xi), 3(1) (x), 6 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the said Act of 1989) under Section 7(1) (d) and 10 of the Protection of Civil Rights Act,1955 and Under Sections 354,341, 504, 506 read with Section 34 of Indian Penal Code. Investigation is admittedly completed. Charge sheet has been filed.

2. The learned Advocate for the Applicant submitted that the F.I.R. has been registered belatedly and there is no specific allegation against the Applicant of commission of offence under the said Act of 1989. The learned A.P.P. submitted that considering the gravity of allegations, the Applicant is not entitled to be enlarged on bail.

3. On plain reading of the F.I.R. and the supplementary statement of the complainant there is delay in filing the F.I.R. In so far the offence under the said Act of 1989 is concerned, real allegation seems to be against the co-accused Changdeo Dhane and Baburao Patale. The offence alleged against the applicant is under Sections 354, 341, 504 and 506 of I.P.C. It appears that the supplementary statement of the complainant was recorded after the Applicant was arrested.

4. As charge sheet is already filed, in my view, considering the facts and circumstances of the case, the Applicant is entitled to be enlarged on bail.

5. Hence I pass the following order :

i) The Applicant shall be enlarged on bail in connection with C.R.No.40 of 2005 registered with Velapur Police Station, Solapur subject to furnishing a personal bond of Rs.15,000/- (Rupees fifteen thousand only) with one or two local sureties in the like amount.

ii) The bail is granted subject to the condition that the Applicant will report to the concerned Police Station once in a week till the conclusion of trial.

iii) The Bail is granted subject to condition that the

Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE